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7

8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT

10   SAN FRANCISCO DIVISION

11   VISTO CORPORATION,   Case No. C 04-0651 EMC

12   Plaintiff   **VISTO CORPORATION'S
                                         SUPPLEMENTAL FILING REGARDING
13   v.   MOTION FOR PRELIMINARY
                                         INJUNCTION**
14   SPROQIT TECHNOLOGIES, INC.,
                                         Hearing Date: January 18, 2006
15   Defendant   Time: 10:30 a.m.
                                         Courtroom: C, 15th Floor
16   Judge: Hon. Edward M. Chen

17

18   In response to the Court's request at the Preliminary Injunction Hearing on January 18,

19   2006, Visto Corporation hereby submits the following citations regarding the disclosure of

20   "bookmark" workspace elements.

21   The specification of U.S. Patent No. 6,085,192 ("the '192 patent")(attached as Exh. A)

22   discloses that corporate LAN 135 includes "an e-mail server 145 having e-mail data 165 ... a file

23   server 150 having file data 170 ... a calendar server 155 having calendar data 175 and ... a desktop

24   computer 160 having user data 180." (Exh. A, Col. 3, ll. 13-17 and FIG. 1.) "[T]he e-mail data

25   165, file data 170, calendar data 175 and user data 180 may each be divided into workspace

26   elements, wherein each workspace element is identified by particular version information 255

27   (described below with reference to FIG. 2)." (Exh. A, Col. 3, ll. 25-31.)

28   "FIG. 2 is a block diagram illustrating details of a service server 200, wherein each of the

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1   e-mail server 145, the file server 150, the calendar server 155 and the desktop computer 160 is an

2   instance thereof." (Exh. A, Col. 4, ll. 7-10.) The '192 patent discloses that these servers include a

3   service engine 245, which is described as follows:

4   A service engine 245 includes a program for performing a particular service such as
        maintaining an e-mail data base, a calendar data base, **a bookmarks data base** or

5   another file data base ... To perform a service, the service engine 245 operates on
        service data 250 (e.g., the e-mail data 165, the file data 170, the calendar data 175 or

6   the user data 180), which is typically stored in the data storage device 250. The
        service data 250 includes version information 255 indicating the date and time of the

7   last modification. The service engine 245 operates to update the version information
        255 whenever modifications are made. (Exh. A, Col. 4, ll. 23-35.)(Emphasis added.)

8

9   In addition to the above, the '192 patent incorporates by reference the specifications of co-

10 pending patent application 08/766,307 (now U.S. Patent No. 6,131,116 ("the '116 patent"),

11 attached as Exh. B) and co-pending patent application 08/841,950 ("the '950

12 application")(attached as Exh. C). The specification of the '116 patent illustrates that a remote

13 client 150 may access services and data on local clients 110, 160 via a master server 130:

14   The master server 130 includes a web page engine 133 for maintaining and providing
        access to an internet web page which is enabled to forward applets 136 to the web

15   browser 155 of the remote client 150. A user can select a particular service which
        corresponds to one of the applets 136, thereby causing the web browser 155 of the

16   remote client 150 to initiate execution of the corresponding applet 130 [*sic*].
        Execution of the applet 130 [*sic*] causes the appropriate service engine 115 or 165 [on

17   local clients 110, 160] to execute the particular service. (Exh. B, Col. 3, ll. 15-
        24.)(Bracketing added.)

18

19   The master server 130 further includes configuration data 137, which the remote
        client 150 can download to gain access to the desired service and to configure the

20   functionality, look and feel of the web browser 155. The configuration data 137 may
        include operating system settings such as TCP protocol data and the domain name

21   server address, user preferences, **bookmarks**, services, service addresses, etc. (Exh.
        B, Col. 3, ll. 30-36)(Emphasis added.)

22

23   The incorporated specification of the '950 application also addresses "user data" that may

24 be downloaded to a remote client computer 114. (Exh. C, pp. 16-17.)[1] As disclosed, "user data

25 392" downloaded to client computers 114 "may include user-and-service-specific information

26 such as stored **bookmarks**, calendar data, pager numbers, etc. which was specifically stored on

27 the global server 106 for easy access." *Id*. at 17. (Emphasis added.) FIG. 1 of the '192 patent

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    [1] Exh. C is a copy of the '950 specification as filed with the PTO and posted on its official PAIR website.

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1   shows that "workspace data 185" encompasses "user data."

2   Finally, U.S. Patent No. 6,023,708 ("the '708 patent")(attached as Exh. D) and U.S. Patent

3   No. 6,151,606 ("the '606 patent")(attached as Exh. E), which are related to and incorporate the

4   specification of the '192 patent, and U.S. Patent No. 6,708,221 ("the '221 patent")(attached as

5   Exh. F), which is a continuation-in-part of the '192 patent, provide discussion of bookmark

6   workspace elements that may be considered by the Court.[2] *See, e.g.*, *Jonsson v. Stanley Works,*

7   *903 F.2d 812, 818 (Fed. Cir. 1990)(construction of the same term in related patent relevant to an

8   understanding of that term in patent at issue); and *Abtox, Inc. v. Exitron Corp.,* 131 F.3d 1009,

9   1010 (Fed. Cir. 1997), modifying 122 F.3d 1019 (Fed. Cir. 1997)(improper to construe the same

10   term in related patents differently).

11   Both the '708 patent and the '221 patent provide examples of bookmark workspace

12   elements according to the patented invention. (Exh. D, FIG. 6 and Exh. F, FIG. 5.) In the

13   example provided below, the bookmark workspace element is in a global format and includes

14   information required for a copy of the bookmark workspace element stored on a corporate LAN

15   110 in Format A and a copy on a remote terminal 102 in Format B, wherein the copies may not

16   include identical information:

17   > FIG. 6 illustrates an example bookmark workspace element in the global format. The
     > global translator 122 incorporates all the information needed by both formats (Format
18   > A and Format B) to create a Global Format. For example, if a bookmark in Format A
     > needs elements X, Y and Z and a bookmark in Format B needs elements W, X and Y,
19   > the global translator 122 incorporates elements W, X, Y and Z to create a bookmark
     > in the global format. (Exh. D, Col. 8, ll. 47-54.)(See also, Exh. F, Col. 9, ll. 28-36.)
20

21   The '606 patent also states: "Workspace data includes at least one workspace element,

22   such as an e-mail, a day of calendar data, a word document, a bookmark, a sheet of spreadsheet

23   data, or a portion thereof. Workspace data may include e-mails, calendar data, word documents,

24   **bookmarks**, spreadsheet data, or **portions thereof**." (Exh. E, Col. 3, ll. 47-53.)(Emphasis

25   added.)

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[2] Infringement of the '708 and '221 patents is also at issue in the present action.

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1   Dated: January 20, 2006   Respectfully submitted,

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9   *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding
    signatures, Robert D. Becker hereby attests that concurrence in the filing of this document has
    been obtained.*

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